

# EXHIBIT C

**Case Information**

Case Number:

Filing Date:

Caption:

Judge:

**Party Information**

| Party Full Name                        | Party Role | Name Type | DOB |
|--|------------|-----------|-----|
| <a href="#">DAVID SALLEE</a>           | Plaintiff  | True      |     |
| <a href="#">MEDTRONIC, INC.</a>        | Defendant  | True      |     |
| <a href="#">MEDTRONIC USA, INC.</a>    | Defendant  | True      |     |
| <a href="#">COVIDIEN, INC.</a>         | Defendant  | True      |     |
| <a href="#">COVIDIEN HOLDING, INC.</a> | Defendant  | True      |     |
| <a href="#">COVIDIEN SALES LLC</a>     | Defendant  | True      |     |

**Case/Document Information**

| Document Type | Document SubType              | Document Caption                         | File Date | Image                     |
|---------------|-------------------------------|--|-----------|---------------------------|
| Affidavit     | Affidavit Of Service          | AFFIDAVIT OF SERVICE                     | 5/17/2022 | Available at Courthouse   |
| CourtNotice   | Notice Of Impending Dismissal | NOTICE OF IMPENDING DISMISSAL            | 5/17/2022 | <a href="#">Available</a> |
| CourtNotice   | Notice Of Impending Dismissal | NOTICE OF INADVERTENT MPENDING DISMISSAL | 5/17/2022 | <a href="#">Available</a> |
| Affidavit     | Affidavit Of Service          | AFFIDAVIT OF SERVICE                     | 5/13/2022 | Available at Courthouse   |
| Affidavit     | Affidavit Of Service          | AFFIDAVIT OF SERVICE                     | 5/13/2022 | Available at Courthouse   |
| Affidavit     | Affidavit Of Service          | AFFIDAVIT OF SERVICE                     | 5/13/2022 | Available at Courthouse   |
| Affidavit     | Affidavit Of Service          | AFFIDAVIT OF SERVICE                     | 5/13/2022 | Available at Courthouse   |
| Affidavit     | Affidavit Of Service          | AFFIDAVIT OF SERVICE                     | 5/13/2022 | Available at Courthouse   |

|             |                         |                            |           |                         |
|-------------|-------------------------|----------------------------|-----------|-------------------------|
| Motion      | Motion To Consolidate   | Motion to Consolidate      | 4/13/2022 | Available at Courthouse |
| Open        | Petition & Complaint    | Complaint                  | 3/10/2022 | Available at Courthouse |
| Misc        | Documents/Records Filed | Civil Cover Sheet          | 3/10/2022 | Available at Courthouse |
| Arbitration | Fastar Certificate      | FASTAR Certificate         | 3/10/2022 | Available at Courthouse |
| Summons     | Summons/Subpoena        | Summons                    | 3/10/2022 | Available at Courthouse |
| Summons     | Summons/Subpoena        | Summons                    | 3/10/2022 | Available at Courthouse |
| Summons     | Summons/Subpoena        | Summons                    | 3/10/2022 | Available at Courthouse |
| Summons     | Summons/Subpoena        | Summons                    | 3/10/2022 | Available at Courthouse |
| Summons     | Summons/Subpoena        | Summons                    | 3/10/2022 | Available at Courthouse |
| Receipt     | All Money Receipts      | All Money Receipts 3464260 | 3/10/2022 | Available at Courthouse |

# EXHIBIT D

FILED  
 Gary Harrison  
 CLERK, SUPERIOR COURT  
 3/10/2022 4:39:02 PM  
 BY: ALAN WALKER /S/  
 DEPUTY

Case No. C20220934  
 HON. GARY J. COHEN

**LEADER LAW FIRM**  
 405 W. Cool Drive, Suite 107  
 Tucson, AZ 85704  
 Phone (520) 575-9040  
 Fax (520) 575-9340

John P. Leader, Esq.  
 SBN 001511  
 Attorney for the Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 PIMA COUNTY**

DAVID SALLEE, on his own behalf  
 and on behalf of statutory beneficiary  
 Katherine Sallee,

Plaintiff,

v.

MEDTRONIC, INC., a foreign  
 Arizona Corporation; MEDTRONIC  
 USA, INC., a foreign corporation;  
 COVIDIEN, INC., a foreign  
 corporation; COVIDIEN HOLDING,  
 INC., and COVIDIEN SALES, LLC,  
 a foreign limited liability company;

Defendants.

Case No:

COMPLAINT

(Wrongful Death-Product Liability)

(Assigned to the Hon. \_\_\_\_\_)

COME NOW, the Plaintiffs, by and through their attorney undersigned, and  
 for their complaint against the Defendant, state, allege and complain as follows:

1. David Salle, statutory Plaintiff, resides in Pima County, Arizona. The  
 acts and omissions complained of herein occurred in Pima County,  
 State of Arizona and elsewhere.
2. Plaintiff brings this action under Title 12, Ch. 6, Art. 2 of the Arizona

1 Revised Statutes (“Death by Wrongful Conduct”) and pursuant to Title  
2 12, Ch. 551 of the Arizona Revised Statutes (“Product Liability”) and  
3 Title 12, Ch. 681, Arizona Revised Statutes.

4 3. Defendants Medtronic, Inc., Medtronic USA, Inc., Covidien, Inc.,  
5 Covidien Holding, Inc. (hereinafter collectively, “Medtronic”) on  
6 information and belief licensed, doing business and providing products  
7 and/or services in the State of Arizona.

8  
9 4. Defendants Covidien Sales, LLC, (hereinafter collectively,  
10 “Medtronic”) an Arizona Limited Liability Company on information  
11 and belief is licensed, doing business and providing products and/or  
12 services in the State of Arizona.

13 5. The Medtronic Defendants and each of them have substantial and  
14 continuous ties to the State of Arizona such that personal jurisdiction  
15 applying Arizona’s “long arm” statute is proper.

16  
17 6. On or about March 12, 2020, Decedent Judith Sallee underwent a  
18 robotic-assisted resection of the left upper lobe of the left lung  
19 performed by David A. Bull, M.D. at Banner University Medical  
20 Center Tucson.

21 7. While performing this procedure, Dr. Bull utilized a ReliaCatch  
22 retrieval bag to secure the resected left upper lobe. Following insertion  
23 of the ReliaCatch retrieval bag to place the resected left upper lobe in  
24 the ReliaCatch bag, Judith Salle suffered a near-circumferential tear of  
25

1 her main left pulmonary artery.

2 8. Judith Saltee died as a direct result of this massive tear of her main left  
3 pulmonary artery.

4 9. Following the surgery, lead surgeon Dr. David Bull stated to several  
5 people, including Plaintiffs, that a sharp edge or other dangerous  
6 condition on the Reliacatch bag cause the tear of Judith's artery.

7 10. If Dr. Bull's explanation of the arterial tear is correct, Defendants  
8 would have liability.

9 11. A related action, Cause No. C 2021 1049 is pending in the Superior  
10 Court of the State of Arizona, Pima County.

11 12. Plaintiff will move to consolidate the instant complaint with the  
12 pending action, such that removal of the instant action would be  
13 improper.  
14

15 **COUNT ONE**

16 (Negligence/Wrongful Death/Product Liability)

17 13. All previous paragraphs are incorporated herein, by reference.

18 14. Defendants are product manufacturers or sellers as defined in  
19 A.R.S. §12-681 and its Reliacatch bag is a product under that  
20 statute.

21 15. If the post-surgical allegations of Dr. David Bull set forth above are  
22 accurate, then the Reliacatch bag was negligently designed, was an  
23 unreasonably dangerous product as designed and failed to perform  
24 as an ordinary consumer would expect.  
25

- 1           16. Defendants owed Plaintiffs and their decedent a duty to manufacture,  
2           fabricate, design, assemble, distribute, buy, sell, inspect, service, repair,  
3           market, warrant, supply, modify, warn of defective conditions and/or  
4           otherwise provide the subject ReliaCatch retrieval bag in a reasonable  
5           manner.
- 6           17. Plaintiffs upon information and belief, allege that at all times relevant  
7           hereto that Defendants knew or in exercise of due care should have  
8           known that the subject ReliaCatch retrieval bag was not manufactured,  
9           fabricated, designed, assembled, distributed, bought, sold, inspected,  
10          serviced, repaired, marketed, warranted, supplied, modified, or  
11          otherwise provided in a reasonable manner.
- 12          18. If the post-surgical allegations of Dr. David Bull set forth above are  
13          accurate, Defendants negligently and carelessly designed, fabricated,  
14          manufactured, tested, assembled, inspected, distributed, marketed, sold,  
15          delivered and/or supplied the subject ReliaCatch retrieval bag: a) in a  
16          defective, unsafe and unreasonably dangerous condition; b) with a  
17          reasonably foreseeable defect and condition.
- 18          19. The untimely and wrongful death of Judith Sallee was a direct and  
19          proximate result of the negligent acts and/or omissions of the  
20          Defendants.
- 21          20. As a direct and proximate result of the negligence of the Defendants.  
22          Plaintiff David Sallee and the other statutory beneficiaries of decedent  
23  
24  
25



1 Judith Saltee have suffered compensable wrongful death damages  
2 including but not limited to:

- 3 a) Loss of love, affection, companionship, care, protection, and  
4 guidance since the death and in the future;  
5  
6 b) Pain, grief, sorrow, anguish, stress, shock, and mental suffering  
7 already experienced, and reasonably probable to be experienced in  
8 the future  
9  
10 c) Potential loss of income and services, past and future;  
11  
12 d) Reasonable expenses of funeral and burial;

11 **COUNT TWO**

12 **(Negligence/Strict Products Liability)**

- 13 21. All allegations set forth above are incorporated by reference as if fully  
14 set forth herein.  
15  
16 22. If the post-surgical allegations of Dr. David Bull set forth above are  
17 accurate, Defendants designed, fabricated, manufactured, tested,  
18 assembled, inspected, distributed, marketed, sold, delivered and/or  
19 supplied the subject ReliaCatch retrieval bag: a) in a defective, unsafe  
20 and unreasonably dangerous condition; b) with a reasonably  
21 foreseeable defect.  
22  
23 23. If the post-surgical allegations of Dr. David Bull set forth above are  
24 accurate, the defect and condition of the ReliaCatch retrieval bag while  
25 being inserted caused the near-circumferential tear of Judith Saltee's

1 main left pulmonary artery resulting in her death.

2 24. If the post-surgical allegations of Dr. David Bull set forth above are  
3 accurate, Defendants designed, fabricated, manufactured, tested,  
4 assembled, inspected, distributed, marketed, sold, delivered and/or  
5 supplied the subject ReliaCatch retrieval bag in a defective and  
6 unreasonably dangerous condition in that they failed to provide  
7 adequate warnings and/or instruction for safe use regarding a  
8 reasonably foreseeable defect and condition of the ReliaCatch retrieval  
9 bag.  
10

11 25. As a direct and proximate result of the defective and unreasonably  
12 dangerous product provided by the Medtronic Defendants, David Salle  
13 and the other statutory beneficiaries and survivors of Judith Sallee have  
14 sustained significant, permanent injuries and wrongful death damages.  
15

16 26. As a direct and proximate result of the negligence of the Defendants,  
17 Plaintiff David Sallee and the other statutory beneficiaries of decedent  
18 Judith Sallee have suffered compensable wrongful death damages  
19 including but not limited to:

20 a) Loss of love, affection, companionship, care, protection, and  
21 guidance since the death and in the future;

22 b) Pain, grief, sorrow, anguish, stress, shock, and mental suffering  
23 already experienced, and reasonably probable to be experienced in  
24 the future;  
25

1 c) Potential loss of income and services, past and future;

2 d) Reasonable expenses of funeral and burial;

3 WHEREFORE, Plaintiffs respectfully request that this Court grant them  
4 judgment against the Defendants, for:  
5

- 6 1. Reasonable and fair compensatory damages;
- 7 2. Plaintiffs' costs of suit expended and accruing herein; and
- 8 3. Such other relief as the Court may deem appropriate.

9 Respectfully submitted this 10th day of March, 2022.

10  
11 **LEADER LAW FIRM**

12 /s/ John P. Leader

13 John P. Leader, Esq.  
14 *Attorney for Plaintiffs*  
15  
16  
17  
18  
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20  
21  
22  
23  
24  
25

# EXHIBIT E

3/10/2022 4:39:02 PM

BY: ALAN WALKER /S/  
DEPUTY

Case No. C20220934  
HON. GARY J. COHEN

**In the Superior Court of the State of Arizona  
In and For the County of Pima**

**Plaintiff's Attorney:**

John P Leader  
Bar Number: 012511, issuing State: AZ  
Law Firm: The Leader Law Firm  
405 W. Cool Drive, Suite 107  
Tucson, AZ 85704  
Telephone Number: (520)575-9040  
Email address: mbarr@leaderlawaz.com

**Plaintiff:**

David Sallee  
Telephone Number: (520)229-6103  
Email address: dksallaz@gmail.com

**Defendants:**

Medtronic, Inc.  
c/o Corporation Service Company 8825 N. 23rd Ave, Ste 100  
Phoenix, AZ 85021

Medtronic USA, Inc.  
c/o Corporation Service Company 2338 W. Royal Palm Rd., Ste J  
Phoenix, AZ 85021

Covidien, Inc.  
c/o Corporation Service Company 8825 N. 23rd Ave., Ste 100  
Phoenix, AZ 85021

Covidien Holding, Inc.  
c/o Corporation Service Company 8825 N. 23rd Ave., Suite 100  
Phoenix, AZ 85021

Covidien Sales LLC  
c/o Corporation Service Company 2338 W Royal Palm Rd., Ste J  
Phoenix, AZ 85021

Discovery Tier t3

Case Category: Tort Non-Motor Vehicle

Case Subcategory: Product Liability - Toxic/Other

# EXHIBIT F



***Pima County Clerk of Superior Court  
Tucson, Arizona***



|                  |               |                 |           |
|------------------|---------------|-----------------|-----------|
|                  |               | Receipt Number: | 3464260   |
| Received for:    | John P Leader | Date:           | 3/10/2022 |
| Received from:   | John P Leader | Case Number:    | C20220934 |
| Amount Received: | \$258.00      | Clerk Number:   | 1,738     |

Caption: DAVID SALLEE VS. MEDTRONIC, INC. ET AL.

Cash: \$0.00                      Check: \$0.00                      Charge: \$0.00                      ACH: \$258.00

*Begin Financial Docket*



Civil Complaint

\$258.00    PAID

*End Financial Docket*

Change Returned: \$0.00

Amount Refunded: \$0.00



# EXHIBIT G

FILED  
Gary Harrison  
CLERK, SUPERIOR COURT

3/10/2022 4:39:02 PM

BY: ALAN WALKER /S/  
DEPUTY

Case No. C20220934  
HON. GARY J. COHEN

PERSON/ATTORNEY FILING: John P Leader  
MAILING ADDRESS: 405 W. Cool Drive, Suite 107  
CITY, STATE, ZIP CODE: Tucson, AZ 85704  
PHONE NUMBER: (520)575-9040  
E-MAIL ADDRESS: mbarr@leaderlawaz.com  
[ ☐ ] REPRESENTING SELF, WITHOUT AN ATTORNEY  
(IF ATTORNEY) STATE BAR NUMBER: 012511, Issuing State: AZ

ARIZONA SUPERIOR COURT, PIMA COUNTY

David Sallee  
Plaintiff(s),

V.

CASE NO: \_\_\_\_\_

Medtronic, Inc., et al.  
Defendant(s).

**RULE 102a FASTAR CERTIFICATE**

The undersigned certifies that he or she knows the eligibility criteria set by FASTAR Rule 101b  
and certifies that this case:

**(NOTE – YOU MUST CHECK ONE OF THE BOXES BELOW OR THE CLERK WILL  
NOT ACCEPT THIS FORM.)**

- ☐ DOES meet the eligibility criteria established by Rule 101b; or
- ☒ DOES NOT meet the eligibility criteria established by Rule 101b.

Dated: \_\_\_\_\_

John P Leader /s/ \_\_\_\_\_  
SIGNATURE

# EXHIBIT H

Person/Attorney Filing: John P Leader  
Mailing Address: 405 W. Cool Drive, Suite 107  
City, State, Zip Code: Tucson, AZ 85704  
Phone Number: (520)575-9040  
E-Mail Address: mbarr@leaderlawaz.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 012511, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

David Sallee  
Plaintiff(s),

Case No. C20220934

v.

Medtronic, Inc., et al.

**SUMMONS**

Defendant(s).

HON. GARY J. COHEN

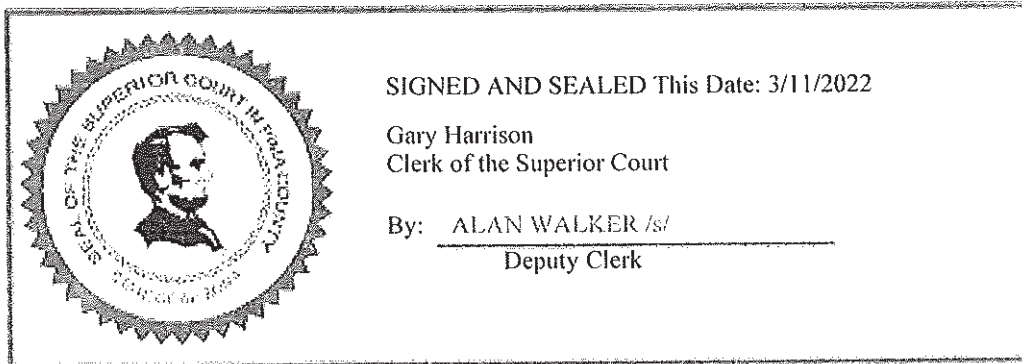
To: Covidien Sales LLC

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 110 West Congress Street, Tucson, Arizona 85701 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.  
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.  
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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of PIMA



# EXHIBIT I

Person/Attorney Filing: John P Leader  
Mailing Address: 405 W. Cool Drive, Suite 107  
City, State, Zip Code: Tucson, AZ 85704  
Phone Number: (520)575-9040  
E-Mail Address: mbarr@leaderlawaz.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 012511, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

David Sallee

Plaintiff(s),

v.

Medtronic, Inc., et al.

Defendant(s).

Case No. C20220934

**SUMMONS**

HON. GARY J. COHEN

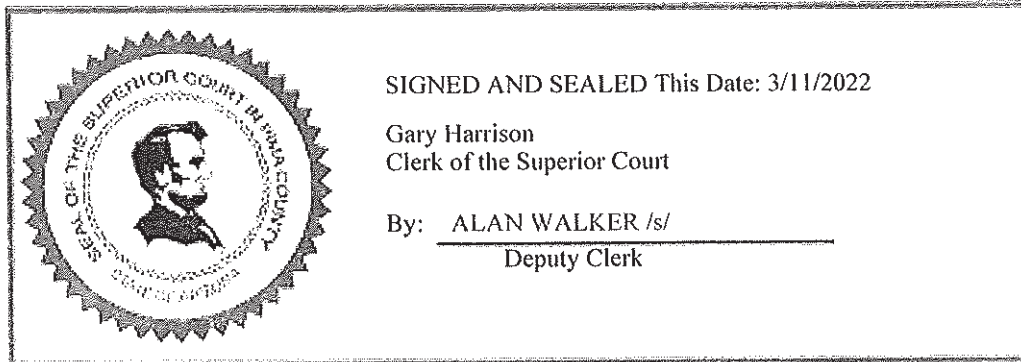
To: Covidien Holding, Inc.

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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of PIMA





# EXHIBIT J

Person/Attorney Filing: John P Leader  
Mailing Address: 405 W. Cool Drive, Suite 107  
City, State, Zip Code: Tucson, AZ 85704  
Phone Number: (520)575-9040  
E-Mail Address: mbarr@leaderlawaz.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 012511, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

David Sallee

Plaintiff(s),

v.

Medtronic, Inc., et al.

Defendant(s).

Case No. C20220934

**SUMMONS**

HON. GARY J. COHEN

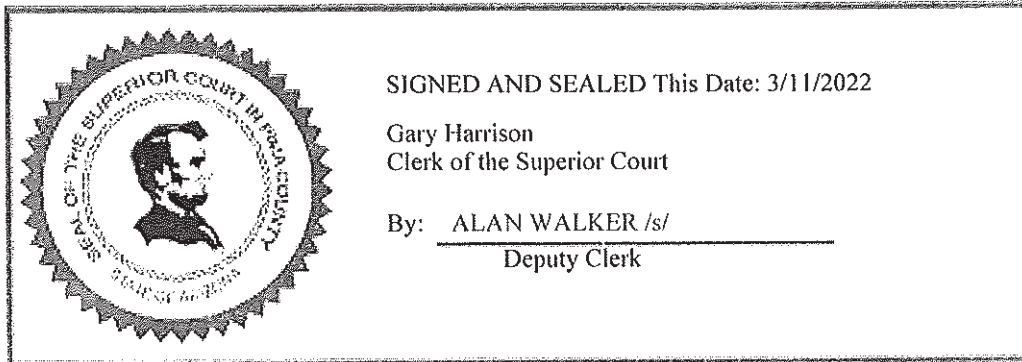
To: Covidien, Inc.

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# EXHIBIT K

Person/Attorney Filing: John P Leader  
Mailing Address: 405 W. Cool Drive, Suite 107  
City, State, Zip Code: Tucson, AZ 85704  
Phone Number: (520)575-9040  
E-Mail Address: mbarr@leaderlawaz.com  
☐ Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 012511, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

David Sallee

Plaintiff(s),

v.

Medtronic, Inc., et al.

Defendant(s).

Case No. C20220934

**SUMMONS**

HON. GARY J. COHEN

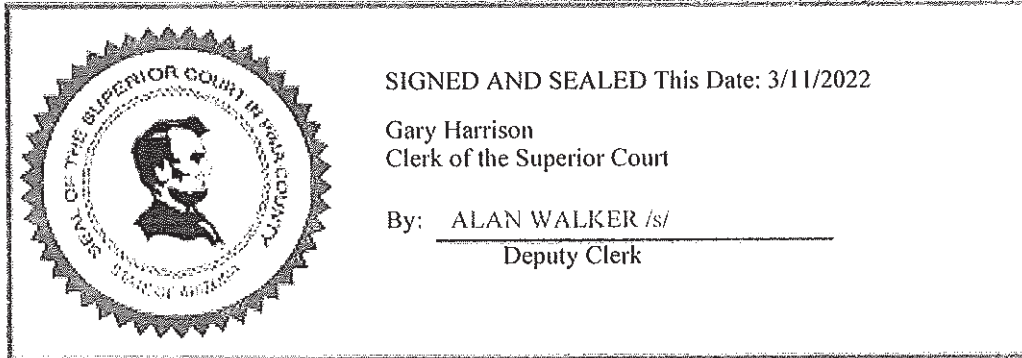
To: Medtronic USA, Inc.

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**EXHIBIT L**

Person/Attorney Filing: John P Leader  
Mailing Address: 405 W. Cool Drive, Suite 107  
City, State, Zip Code: Tucson, AZ 85704  
Phone Number: (520)575-9040  
E-Mail Address: mbarr@leaderlawaz.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 012511, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

David Sallee

Plaintiff(s),

v.

Medtronic, Inc., et al.

Defendant(s).

Case No. C20220934

**SUMMONS**

HON. GARY J. COHEN

To: Medtronic, Inc.

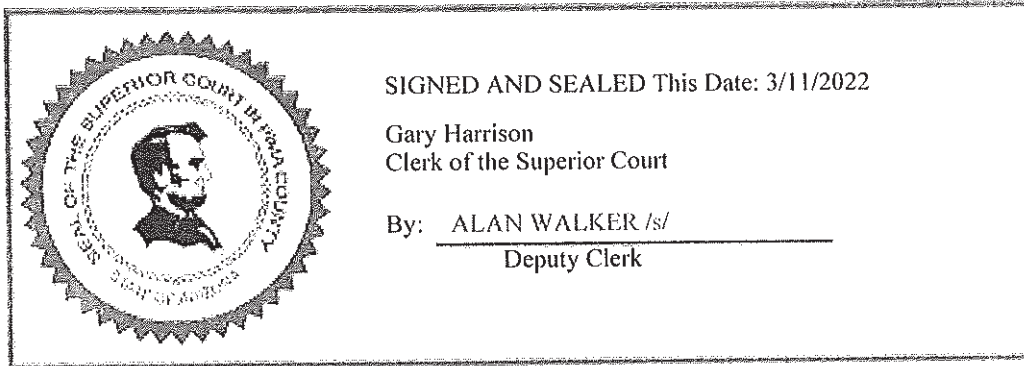
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# EXHIBIT M

FILED  
 Gary Harrison  
 CLERK, SUPERIOR COURT  
 4/13/2022 11:38:11 AM  
 BY: ARTHUR ROBLES /S/  
 DEPUTY

Case No. C20220934  
 HON. GARY J. COHEN

**LEADER LAW FIRM**  
 405 W. Cool Drive, Suite 107  
 Tucson, AZ 85704  
 Phone (520) 575-9040  
 Fax (520) 575-9340

John P. Leader, Esq.  
 SBN 001511  
 Attorney for the Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 PIMA COUNTY**

DAVID SALLEE, on his own behalf  
 and on behalf of statutory beneficiary  
 Katherine Sallee,

Plaintiff,

v.

THE ARIZONA BOARD OF  
 REGENTS; THE STATE OF  
 ARIZONA,

Defendants.

Case No: C20211049  
 C20220934 & C20220957

**MOTION TO CONSOLIDATE**

(The Hon. Kyle Bryson)

Pursuant to Rule 42(a), Ariz. R. Civ. P., 16 A.R.S., plaintiff, David Sallee by and through undersigned counsel hereby requests that the above causes, C20211049, C20220934 and C20220957 be consolidated. This motion is supported by the following Memorandum of Points and Authorities.

**MEMORANDUM OF POINTS & AUTHORITIES**

Arizona Rules of Civil Procedure 42(a) provides that, "If actions before the Court involve a common question of law or fact the Court may: (1) join for hearing

1 or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3)  
2 issue any other orders to avoid unnecessary cost or delay.

3 Plaintiffs' decedent, Judith Sallee, died on March 12, 2020 following lung  
4 surgery at Banner UMC. Plaintiffs timely served an A.R.S. §12-821.01 claim notice,  
5 as the patient's surgery involved University employees. Plaintiff did not name any  
6 individual defendants.

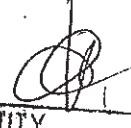
7  
8 On the eve of the 2-year anniversary of Judith's death, Plaintiffs filed two new  
9 lawsuits, both of which they wish to consolidate with the pending action. First, on  
10 March 10, 2022, Plaintiffs filed C 2022 0934 against Medtronic, Inc. (assigned to  
11 Judge Cohen), alleging that a medical device may have caused or contributed to  
12 Judith's death. *See* Exhibit 2, Complaint Sallee v. Medtronic, Inc., et al. Second, on  
13 March 11, 2022, Plaintiffs filed C2022 0957, naming individual defendants Dr.  
14 David Bull, Dr. Geena Wu and their respective marital communities. (assigned to  
15 Judge Johnson). *See* Exhibit 3, Complaint Sallee v. David A. Bull, M.D., et al.

16  
17 All three causes of action arise out of the same incident and therefore involve  
18 common questions of law and fact. Plaintiff, David Sallee is the plaintiff in each of  
19 the aforementioned causes arising out of the wrongful death of Judith Sallee on  
20 March 12, 2020.

21 The incident involved multiple individuals and/or entities named in each cause  
22 presenting the necessity of consolidation under Rule 42(a), Ariz. R. Civ. P. The suits  
23 involved have the same liability, facts, issues, and witnesses.  
24  
25

3

**EXHIBIT N**

|  |  |   |                           |
|--|--|---|---------------------------|
| Attorney or Party without Attorney:<br>JOHN P LEADER (SBN 012511)<br>THE LEADER LAW FIRM<br>405 W. COOL DRIVE, SUITE 107<br>TUCSON, AZ 85704<br>Telephone No:<br>Attorney For: Plaintiff |  | FILED<br>GARY L. HARRISON<br>CLERK, SUPERIOR COURT<br>22 MAY 13 PM 2:23<br>BY <br>DEPUTY<br>Pamela Johnson |                           |
| Ref. No. or File No.: C20220934 - SALLEE V MEDTRONIC   |  |   |                           |
| Insert name of Court, and Judicial District and Branch Court:<br>PIMA COUNTY SUPERIOR COURT  |  |   |                           |
| Plaintiff: DAVID SALLEE, on his own behalf and on behalf of statutory beneficiary KATHERINE SALLEE; ET AL.<br>Defendant: MEDTRONIC, INC., a foreign Arizona corporation; ET AL.          |  |   |                           |
| AFFIDAVIT OF SERVICE   |  | Hearing Date:   | Time:                     |
|  |  | Dept/Div:   | Case Number:<br>C20220934 |

- At the time of service I was at least 21 years of age and not a party to this action.
- I served copies of the SUMMONS; COMPLAINT; RULE 102a FASTAR CERTIFICATE;
- Party served: COVIDIEN SALES, LLC
  - Person served: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N 23rd Ave # 100, Phoenix, AZ 85021
- I served the party:
  - by substituted service. On: Wed, May 11 2022 at: 09:21 AM by leaving the copies with or in the presence of: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Brown, Eyes: Brown, Height: 5'9".

(a) ( Person of suitable age and discretion. Informed him or her of the general nature of the papers.

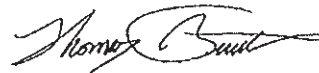
Service: \$26.25, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$36.25

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
  - Thomas Bennett Maricopa County Reg # 7574;
  - FIRST LEGAL  
3737 North 7th. Street Suite 209  
PHOENIX, AZ 85014
  - (602) 248-9700

05/13/2022

(Date)



(Signature)

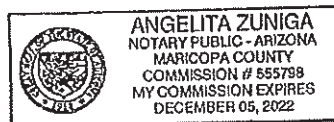
- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 13 day of May, 2022 by Thomas Bennett (Maricopa County Reg # 7574) proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Signature)




AFFIDAVIT OF  
SERVICE



7061135  
(35235217)

# EXHIBIT O



|  |  |   |                           |
|--|--|---|---------------------------|
| Attorney or Party without Attorney:<br>JOHN P LEADER (SDN 012511)<br>THE LEADER LAW FIRM<br>405 W. COOL DRIVE, SUITE 107<br>TUCSON, AZ 85704<br>Telephone No:<br>Attorney For: Plaintiff |  | FILED<br>GARY L. HARRIS<br>CLERK, SUPERIOR COURT<br>22 MAY 13 PM 2:23<br>BY <br>DEPUTY<br>Pamela Johnson |                           |
| Ref. No. or File No.: C20220934 - SALLEE V MEDTRONIC   |  |   |                           |
| Insert name of Court, and Judicial District and Branch Court:<br>PIMA COUNTY SUPERIOR COURT  |  |   |                           |
| Plaintiff: DAVID SALLEE, on his own behalf and on behalf of statutory beneficiary KATHERINE SALLEE; ET AL.<br>Defendant: MEDTRONIC, INC., a foreign Arizona corporation; ET AL.          |  |   |                           |
| AFFIDAVIT OF SERVICE   |  | Hearing Date:   | Time:                     |
|  |  | Dept/Div:   | Case Number:<br>C20220934 |

1. At the time of service I was at least 21 years of age and not a party to this action.
2. I served copies of the  
SUMMONS; COMPLAINT; RULE 102a FASTAR CERTIFICATE;
3.
  - a. Party served: MEDTRONIC USA, INC.
  - b. Person served: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent
4. Address where the party was served: 8825 N 23rd Ave # 100, Phoenix, AZ 85021
5. I served the party:
  - a. by substituted service. On: Wed, May 11 2022 at: 09:21 AM by leaving the copies with or in the presence of:  
Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Brown, Eyes: Brown, Height: 5'9".

(a) ( Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$26.25, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$36.25

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

6. Person Executing:
  - a. Thomas Bennett Maricopa County Reg # 7574;
  - b. FIRST LEGAL  
3737 North 7th. Street Suite 209  
PHOENIX, AZ 85014
  - c. (602) 248-9700

05/13/2022

(Date)



(Signature)

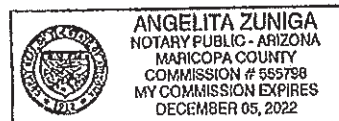
7. STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 13 day of May, 2022 by  
Thomas Bennett (Maricopa County Reg # 7574) proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Signature)

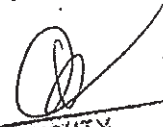


AFFIDAVIT OF  
SERVICE



7051123  
(35235218)

**EXHIBIT P**

|  |  |               |       |  |                           |
|--|--|---------------|-------|--|---------------------------|
| Attorney or Party without Attorney:<br>JOHN P LEADER (SBN 012511)<br>THE LEADER LAW FIRM<br>405 W. COOL DRIVE, SUITE 107<br>TUCSON, AZ 85704<br>Telephone No:                  |  |               |       | FILED<br>GARY L. HARRISON<br>CLERK, SUPERIOR COURT<br>22 MAY 13 PM 2:23<br>BY  DEPUTY<br>Pamela Johnson |                           |
| Attorney For: Plaintiff  |  |               |       | Ref. No. or File No.: C20220934 - SALLEE V MEDTRONIC   |                           |
| Insert name of Court, and Judicial District and Branch Court:<br>PIMA COUNTY SUPERIOR COURT  |  |               |       |  |                           |
| Plaintiff: DAVID SALLEE, on his own behalf and on behalf of statutory beneficiary KATHERINE SALLEE; ET AL<br>Defendant: MEDTRONIC, INC., a foreign Arizona corporation; ET AL. |  |               |       |  |                           |
| AFFIDAVIT OF SERVICE   |  | Hearing Date: | Time: | Dept/Div:  | Case Number:<br>C20220934 |

- At the time of service I was at least 21 years of age and not a party to this action.
- I served copies of the SUMMONS; COMPLAINT; RULE 102a FASTAR CERTIFICATE;
- Party served: COVIDIEN HOLDING, INC.
  - Person served: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N 23rd Ave # 100, Phoenix, AZ 85021
- I served the party:
  - by substituted service. On: Wed, May 11 2022 at: 09:21 AM by leaving the copies with or in the presence of: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Brown, Eyes: Brown, Height: 5'9".

(a) ( Person of suitable age and discretion. Informed him or her of the general nature of the papers.

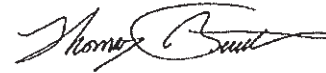
Service: \$26.25, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$36.25

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
  - Thomas Bennett Maricopa County Reg # 7574;
  - FIRST LEGAL  
3737 North 7th. Street Suite 209  
PHOENIX, AZ 85014
  - (602) 248-9700

05/13/2022

(Date)



(Signature)

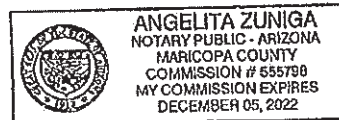
- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 13 day of May, 2022 by Thomas Bennett (Maricopa County Reg # 7574) proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Signature)

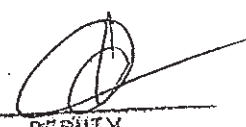


AFFIDAVIT OF  
SERVICE



7061145  
(35235215)

# EXHIBIT Q

|  |  |  |                           |
|--|--|--|---------------------------|
| Attorney or Party without Attorney:<br>JOHN P LEADER (SBN 012511)<br>THE LEADER LAW FIRM<br>405 W. COOL DRIVE, SUITE 107<br>TUCSON, AZ 85704<br>Telephone No:<br>Attorney For: Plaintiff |  | FILED<br>GARY L. HARRISON<br>CLERK, SUPERIOR COURT<br>22 MAY 13 PM 2:23<br><br>DEPUTY<br>Pamela Johnson |                           |
| Ref. No. or File No.: C20220934 - SALLEE V MEDTRONIC   |  |  |                           |
| Insert name of Court, and Judicial District and Branch Court:<br>PIMA COUNTY SUPERIOR COURT  |  |  |                           |
| Plaintiff: DAVID SALLEE, on his own behalf and on behalf of statutory beneficiary KATHERINE SALLEE; ET AL.<br>Defendant: MEDTRONIC, INC., a foreign Arizona corporation; ET AL.          |  |  |                           |
| AFFIDAVIT OF SERVICE   |  | Hearing Date:  | Time:                     |
|  |  | Dept/Div:  | Case Number:<br>C20220934 |

- At the time of service I was at least 21 years of age and not a party to this action.
- I served copies of the SUMMONS; COMPLAINT; RULE 102a FASTAR CERTIFICATE;
- Party served: MEDTRONIC, INC.
  - Person served: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N 23rd Ave # 100, Phoenix, AZ 85021
- I served the party:
  - by substituted service. On: Wed, May 11 2022 at: 09:21 AM by leaving the copies with or in the presence of:  
 Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Brown, Eyes: Brown, Height: 5'9".

(a) ( Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$26.25, Mileage: \$24.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$60.25

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
  - Thomas Bennett Maricopa County Reg # 7574;
  - FIRST LEGAL  
 3737 North 7th. Street Suite 209  
 PHOENIX, AZ 85014  
 c. (602) 248-9700

05/13/2022

(Date)



(Signature)

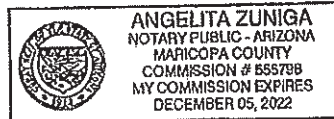
- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 13 day of May, 2022 by  
 Thomas Bennett (Maricopa County Reg # 7574) proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Signature)




AFFIDAVIT OF  
SERVICE



7061120  
(35235214)

# EXHIBIT R

|  |  |   |                           |
|--|--|---|---------------------------|
| Attorney or Party without Attorney:<br>JOHN P LEADER (SBN 012511)<br>THE LEADER LAW FIRM<br>405 W. COOL DRIVE, SUITE 107<br>TUCSON, AZ 85704<br>Telephone No:<br>Attorney For: Plaintiff |  | FILED<br>GARY L. HARRISON<br>CLERK, SUPERIOR COURT<br>22 MAY 13 PM 2:23<br>BY <br>DEPUTY<br>Pamela Johnson |                           |
| Ref. No. or File No.: C20220934 - SALLEE V MEDTRONIC   |  |   |                           |
| Insert name of Court, and Judicial District and Branch Court:<br>PIMA COUNTY SUPERIOR COURT  |  |   |                           |
| Plaintiff: DAVID SALLEE, on his own behalf and on behalf of statutory beneficiary KATHERINE SALLEE; ET AL.<br>Defendant: MEDTRONIC, INC., a foreign Arizona corporation; ET AL.          |  |   |                           |
| AFFIDAVIT OF SERVICE   |  | Hearing Date:   | Time:                     |
|  |  | Dept/Div:   | Case Number:<br>C20220934 |

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- Party served: COVIDIEN, INC.
  - Person served: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N 23rd Ave # 100, Phoenix, AZ 85021
- I served the party:
  - by substituted service. On: Wed, May 11 2022 at: 09:21 AM by leaving the copies with or in the presence of: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Brown, Eyes: Brown, Height: 5'9".

(a) ( Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$26.25, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$36.25

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
  - Thomas Bennett Maricopa County Reg # 7574;
  - FIRST LEGAL  
3737 North 7th. Street Suite 209  
PHOENIX, AZ 85014
  - (602) 248-9700

05/13/2022

(Date)



(Signature)

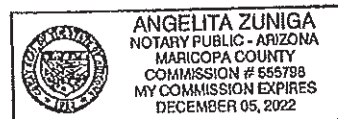
- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 13 day of May, 2022 by Thomas Bennett (Maricopa County Reg # 7574) proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Signature)



AFFIDAVIT OF  
SERVICE



7061132  
(35235216)

**EXHIBIT S**



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

DAVID SALLEE VS. MEDTRONIC, INC. ET AL.

Case: C20220934

Date: 5/13/2022

22 MAY 17 PM 4:41  
BY: J. ORR, DEPUTY

## NOTICE RE: IMPENDING DISMISSAL

It appearing that service of summons and complaint has not been made upon the defendant(s) listed below,

YOU ARE HEREBY NOTIFIED THAT the action will be dismissed without prejudice AS TO THE DEFENDANT(S) LISTED BELOW without further notice after 30 days from the date of this notice, unless good cause is shown why service was not made within the time limits established by Rule 4, Arizona Rules of Civil Procedure, and that additional time should be granted within which to accomplish service.

If you have reason to believe this notice has been issued in error please call Case Management Services, Dismissal Desk, at 520-724-3551.

BY: RICHARD NUNEZ  
Case Management Services

|               |    |  |
|---------------|----|--|
| PLAINTIFF     | VS | DEFENDANT  |
| SALLEE, DAVID |    | MEDTRONIC, INC.<br>MEDTRONIC USA, INC.<br>COVIDIEN, INC.<br>COVIDIEN HOLDING, INC.<br>COVIDIEN SALES LLC |

cc: JOHN P. LEADER, ESQ.

**EXHIBIT T**

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

DAVID SALLEE VS. MEDTRONIC, INC. ET AL.

Case: C20220934  
Date: 5/17/2022

FILED  
CLERK, SUPERIOR COURT  
22 MAY 17 PM 4:11  
BY: J. ORR, DEPUTY

\*\*\*\*\*  
NOTICE RE: INADVERTENT IMPENDING DISMISSAL

Please take notice that this case is NOT subject to dismissal due to no service, such notice having been inadvertently issued.

If you have any questions or concerns, please call Case Management Services, Dismissal Desk, at 520-724-3551.

BY: Ana Castro  
Case Management Services

PLAINTIFF

VS

DEFENDANT

SALLEE, DAVID

MEDTRONIC, INC.  
MEDTRONIC USA, INC.  
COVIDIEN, INC.  
COVIDIEN HOLDING, INC.  
COVIDIEN SALES LLC

cc: JOHN P. LEADER, ESQ.

# EXHIBIT U

|  |  |   |       |  |                           |
|--|--|---|-------|--|---------------------------|
| Attorney or Party without Attorney:<br>JOHN P LEADER (SBN 012511)<br>THE LEADER LAW FIRM<br>405 W. COOL DRIVE, SUITE 107<br>TUCSON, AZ 85704<br>Telephone No:<br>Attorney For: Plaintiff |  | Ref. No. or File No.: C20220934 - SALLEE V<br>MEDTRONIC |       | For Court Use Only<br>22 MAY 17 AM 10:25<br>J. ORR, DEPUTY |                           |
| Insert name of Court, and Judicial District and Branch Court:<br>PIMA COUNTY SUPERIOR COURT  |  |   |       |  |                           |
| Plaintiff: DAVID SALLEE, on his own behalf and on behalf of statutory beneficiary KATHERINE SALLEE; ET AL.<br>Defendant: MEDTRONIC, INC., a foreign Arizona corporation; ET AL.          |  |   |       |  |                           |
| AFFIDAVIT OF SERVICE   |  | Hearing Date:   | Time: | Dept/Div:  | Case Number:<br>C20220934 |

- At the time of service I was at least 21 years of age and not a party to this action.
- I served copies of the SUMMONS; COMPLAINT; RULE 102a FASTAR CERTIFICATE;
- Party served: COVIDIEN HOLDING, INC.
  - Person served: Valjeana Begay, Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N 23rd Ave # 100, Phoenix, AZ 85021
- I served the party:
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(a) ( Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$26.25, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$36.25

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
  - Thomas Bennett Maricopa County Reg # 7574;
  - FIRST LEGAL  
3737 North 7th. Street Suite 209  
PHOENIX, AZ 85014
  - (602) 248-9700

05/13/2022

(Date)

*Thomas Bennett*

(Signature)

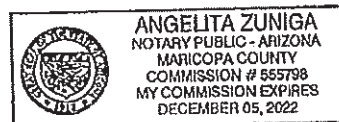
- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 13 day of May, 2022 by Thomas Bennett (Maricopa County Reg # 7574) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

*Angelita Zuniga*

(Notary Signature)



AFFIDAVIT OF  
SERVICE



7061145  
(35235215)

# EXHIBIT V

Aaron J. Lockwood (025599)  
**GREENBERG TRAURIG, LLP**  
2375 East Camelback Road, Suite 800  
Phoenix, AZ 85016  
Telephone: (602) 445-8000  
Facsimile: (602) 445-8100  
lockwooda@gtlaw.com

*Attorneys for Defendant Medtronic, Inc.,  
Medtronic USA Inc., Covidien Holding, Inc.  
and Covidien Sales LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

David Sallee, on his own behalf and on  
behalf of statutory beneficiary Katherine  
Sallee,

Plaintiff,

v.

Medtronic, Inc., a foreign corporation;  
Medtronic USA, Inc., a foreign corporation;  
Covidien, Inc., a foreign corporation;  
Covidien Holding, Inc., a foreign  
corporation; and Covidien Sales, LLC, a  
foreign limited liability company,

Defendants.

No.

**DECLARATION OF AARON J.  
LOCKWOOD IN SUPPORT OF  
DEFENDANTS MEDTRONIC, INC.,  
MEDTRONIC USA, INC., COVIDIEN  
HOLDING, INC., AND COVIDIEN  
SALES LLC'S NOTICE OF REMOVAL**

I, Aaron J. Lockwood, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of Arizona and the United States District Court for the District of Arizona. I am Of Counsel with the law firm of Greenberg Traurig, LLP, attorneys for Defendants Medtronic, Inc., Medtronic USA, Inc., Covidien Holding, Inc.,<sup>1</sup> and Covidien Sales LLC (collectively, "the Medtronic Defendants").

---

<sup>1</sup> Covidien, Inc. is improperly named as a defendant in this case. Covidien, Inc. changed its name to Covidien Holding, Inc. on August 29, 2012. "Covidien, Inc." is not a legally recognized entity.

By: Aaron Lockwood  
Aaron J. Lockwood



**EXHIBIT W**

FILED  
 GARY L. HARRISON  
 CLERK, SUPERIOR COURT  
 5/2/2022 11:27:36 AM  
 CASE C20211049

**LEADER LAW FIRM**  
 405 W. Cool Drive, Suite 107  
 Tucson, AZ 85704  
 Phone (520) 575-9040  
 Fax (520) 575-9340

John P. Leader, Esq.  
 SBN 001511  
 Attorney for the Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 PIMA COUNTY**

DAVID SALLEE, on his own behalf  
 and on behalf of statutory beneficiary  
 Katherine Sallee,

Plaintiff,

v.

THE ARIZONA BOARD OF  
 REGENTS; THE STATE OF  
 ARIZONA,

Defendants.

Case No: C20211049  
 C20220934 & C20220957

**ORDER RE: MOTION TO  
 CONSOLIDATE**

(The Hon. Kyle Bryson)

Having considered plaintiff, David Sallee's Motion to Consolidate the above-mentioned causes of action and there being good cause showing:


IT IS ORDERED that cause numbers C20211049, C20220934 and C20220957 are hereby consolidated into case number C20211049 for all further proceedings.

///

///

1 IT IS FURTHER ORDERED that all pleadings from C20220934 and  
2 C20220957 be transferred to C20211049.

3 DONE this 2<sup>nd</sup> day of May, 2022.  
4

5  
6  /s/  
7 HON. KYLE BRYSON  
8 (ID: fda1b9f8-430c-4971-ac84-2dce30fcef1f)  
9  
10  
11

12 CERTIFICATE OF SERVICE

13 Electronically filed this \_\_\_\_ day of \_\_\_\_\_, 2022 via AzTurbo Court.  
14 Copies electronically served and transmitted this \_\_\_\_ day of \_\_\_\_\_, 2022 to:

15 John P. Leader  
16 THE LEADER LAW FIRM  
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23 Tucson, Arizona 85712  
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25 *Regents and State of Arizona*

By: /s/ \_\_\_\_\_